

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

MONSANTO COMPANY and)	
MONSANTO TECHNOLOGY LLC,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO. 10-cv-1290-egb
)	
SOUTHFORK FARMS, LLC,)	
SCOTT ROLAND, and)	
WILLIAM (aka "Bubba") L. JOHNSON)	
)	
Defendants.)	

PLAINTIFFS' MOTION TO COMPEL

Plaintiffs Monsanto Company and Monsanto Technology LLC ("Monsanto"), respectfully request this Court compel the Defendant Scott Roland to fully respond to Monsanto's expedited discovery requests and allow immediate access to the fields and storage facilities he has not previously identified so that evidence is not lost or destroyed:

1. This Court ordered all defendants—including Roland—to respond to Monsanto's expedited discovery by November 22, 2010.
2. One week *after* failing to comply with this Court's order, Roland now asks this Court for an extension of time to respond.
3. Monsanto's discovery requests—4 interrogatories, 1 request for production and 2 requests for entry upon land—are not burdensome.
4. As Roland notes, he already executed a consent form satisfying Monsanto's request for production. But that consent form does not satisfy Monsanto's interrogatories or requests for entry; nor did Monsanto ever represent that it would.
5. Thus, Roland is essentially asking this Court for over 50 days to respond to 4 interrogatories and 2 requests for entry, which this Court already determined Monsanto was entitled to on an expedited basis.

6. The interrogatories are limited in scope and certainly do not require extensive investigation. The requests are limited to 2009 and 2010 and they ask Roland to identify: (1) fields he planted with soybeans and cotton; (2) fields he has an interest in that were planted with soybeans and cotton; (3) locations where he stored cotton or soybeans; and (4) individuals or entities to whom he transferred or sold cotton or soybean seeds.

7. Likewise, the requests for entry are not burdensome. The requests seeks entry upon (1) each farm that Roland planted with soybeans or cotton and (2) each storage facility where Roland stored soybean or cotton seed.

8. Expedited answers to these interrogatories and access to Roland's fields and storage facilities is required for Monsanto to ascertain the scope of Roland's infringement and prevent spoliation of evidence.

9. Any extension of time is unnecessary and would defeat the purpose of this Court's order granting expedited discovery.

WHEREFORE, Plaintiffs Monsanto Company and Monsanto Technology LLC respectfully request that this Court:

1. Order Defendant Roland to immediately respond to Monsanto's expedited discovery requests;
2. Request that the Defendant Roland be required to pay appropriate sanctions, including costs and attorney fees, for failure to comply with the previous Order of this Court; and
3. For such other further relief to which the Plaintiffs are entitled for the Defendant Roland's failure to comply with the previously entered discovery Order.

Respectfully submitted,

By/s/ Lewis L. Cobb

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December 2010, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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